

SIKKIM

GOVERNMENT



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GOVERNMENT OF SIKKIM
OFFICE OF THE PCCF cum SECRETARY
FOREST ENV. & WILDLIFE MANAGEMENT DEPARTMENT
FOREST SECRETARIAT, DEORALI, GANGTOK.

No. 265/FEWMD.

Date:- 01.07.2009.

NOTIFICATION

In exercise of the powers conferred by clause © of subsection (1) of section 83 of "The Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act 1988", the Government here by makes the following rules, namely:-

Short title, Extent and commencement

1. (1). These rules may be called the ***Cordyceps sinensis* (Yartsa Gunbu/ Vegetative Caterpillar) Collection and Selling rules-2009.**
(2). They shall extend to the whole of Sikkim
(3). They shall come into force on the date of their publication in the Official Gazette.

Definition

2. In these rules unless the context otherwise requires:-
 - a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act 1988;
 - b) CCF means the Chief Conservator of Forest having territorial jurisdiction;
 - c) CF means the Conservator of Forest having territorial jurisdiction;
 - d) "District" means the Land revenue administrative district
 - e) DFO means the Divisional Forest Officer having the Territorial Jurisdiction;
 - f) EDC means the Eco Development Committee registered with the Forest department under Societies Act;
 - g) "Forest Officer" means the forest officer defined in the Act;
 - h) JFMC means the Joint Forest Management Committee registered with the Forest department under Societies Act;
 - i) PCCF means the Principal Chief Conservator of Forest having territorial jurisdiction;

- j) RO means the Range Officer having territorial Jurisdiction;
- k) "Scheduled areas" means the areas mentioned in the schedule prescribed by Forests Environment and Wildlife Management Department, Government of Sikkim for the collection of *Cordyceps sinensis* for the particular year.
- l) "Scheduled JFMCs or EDCs" means the Joint Forest Management Committees or Eco Development Committees mentioned in the schedule prescribed by Forests Environment and Wildlife Management Department, Government of Sikkim for the collection of *Cordyceps sinensis* for the particular year.

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| Permission to collect
<i>Cordyceps sinensis</i> | 3. | No <i>Cordyceps sinensis</i> is allowed to be collected in the State of Sikkim unless permission is obtained from the Range Officer who shall issue after field verification and approval of the Principal Chief Conservator of Forests (PCCF) hereinafter called as competent authority as mentioned herein. However, no collection is permitted in the Wildlife Sanctuaries and National Parks. |
| JFMC/EDCs request for
collection and quantity
to be allowed | 4. | Any Joint Forest Management Committee or Eco Development Committee members desires to collect <i>Cordyceps sinensis</i> from their territory shall apply to the DFO concerned to include their area in the schedule with a rough sketch map along with the approximate quantity of collection which shall not be more than 33% of the total stock that area |
| Inspection to finalize
the location | 5. | On the request of the JFMC/EDC, forest areas mentioned, suitable for collection of <i>Cordyceps sinensis</i> shall be surveyed in the month of May every year by the Forest Division concerned, (hereinafter called Division), in collaboration with the Joint Forest Management Committees and all other local self government institutions and the institutions having knowledge on <i>Cordyceps</i> . |
| Report to the CF | 6. | The surveyed areas as may be found suitable for sustainable harvesting shall be reported to the Conservator of Forest in the last week of May, duly mentioning the name of the forest and the boundaries within which the collection is to be allowed using local names of places and their recorded names. |
| Procedure to obtain
approval | 7. | On receipt of the report the Conservator of Forests shall forward the report with his recommendations to the PCCF through his superior officers for approval. |
| Inclusion of eligible
location and JFMC/EDC
in Collection Schedule
and to issue Permits
by R.O. | 8. | After obtaining the approval of the PCCF-cum-Secretary, Conservator of Forests may include the eligible locations, JFMCs and EDCs in the Schedule for <i>Cordyceps sinensis</i> collection. The DFO shall there after intimate the annual approved Schedule to the RO of the forest range under which the collection is proposed to issue collection Permits in consultation with the JFMC/EDCs (to the households), who shall then collect the same from the forest areas within the period indicated in the permit. |

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| Monitor the collection by Forest Officer | 9. | Forest Officer not below the rank of Block Officer shall be nominated to monitor and guide the collection in processing the materials in the collection period. |
| Procedure of disposal/auction | 10. | The Range Officer shall inform the quantity collected to the Divisional Forest Officer for further disposal. The auction shall be carried out by the Committee consisting of the Divisional Forest Officers of the Social Forestry, Wildlife, Land Use & Environment, Dy. Chief Pay and Accounts Officer, Addl. District Collector under the Chairmanship of the Divisional Forest Officer territorial concerned not later than three weeks from the date of permit expiry. If there is a market within Sikkim the JFMC or EDC may take up the selling with a prior permission of the Committee. If not the committee may advertise auction notice in the local and National news paper by keeping offset price for its disposal, as per the provisions of the Sikkim Financial Rules. |
| Remits sharing | 11. | After deducting the incurred expenditure for disposal by the committee, 25% of the remits shall be deposited in the government revenue and 75% shall be transferred to the concerned JFMC's and EDC's VDF account to meet up the collection and processing charges and usufruct sharing |
| Transit Permit | 12. | If the buyer wants to transit the produce, necessary permit shall be obtained after paying the required royalty (as per the forest department approved rates). In case of inter state transit the permit shall be issued by the Conservator of Forests, whereas for intra state transit Divisional Forest Officer shall issue the permit under the Sikkim Transit of Timber and other Forest Produce Rules, 1999. The permissible quantity shall not exceed the auctioned quantity. |
| Research and training | 13. | The Government shall undertake research to determine the proper techniques of collection, drying, value addition, storage and transportation of Cordyceps sinensis and impart training to the persons interested. |
| Appellate Authority | 14. | If any dispute or difficulty arises in this regard the same shall be referred to the Divisional Forest Officer or to the Conservator of Forests. The Chief Conservator of Forests shall be the Appellate Authority under this rule. |
| Penalty | 15. | If any person contravenes any of the provisions of this rule, shall be punishable under the provisions of section 84 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988. |

S.T. Lachungpa, IFS
Principal CCF-cum-Secretary,
Forests Env.& Wildlife Management Department

